IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2068 OF 2005

Yashwant Keshavrao Mulik ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.A.K.Suryawanshi for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 1, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The offence in question is registered as back as in 1999. Learned A.P.P. fairly accepts that investigation is in progress since then. However, he is not in a position to give any justification why the Investigating Officer has now

suddenly thought it necessary to arrest the Applicant. No material is produced before the Court to offer justification, so as to entitle the Investigating Officer to arrest the Applicant. One reason which was attempted to be canvassed before this Court is that the amount for which Public Exchequer has been cheated, can be recovered only after the arrest of the Applicant. This submission, to say the least, is misadventure of the power to investigate in respect of criminal offence. That power cannot be converted into recovery proceedings.

3. Taking overall view of the matter, I am inclined to grant anticipatory bail to the present Applicant in the fact situation of the present case, for a limited period on the following terms:

(a) The Applicant is granted anticipatory bail in connection with C.R.No.22 of 1999 registered with Solapur Taluka Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand) with two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(c) Applicant shall co-operate for the purpose of investigation in all respects and abide by the conditions under Section 438(2) of the Criminal Procedure Code, as applicable to the State of Maharashtra.

(d) This order shall enure in favour of the Applicant till the filing of the charge-sheet.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.